



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JAN 08 2015

**CERTIFIED MAIL 7009 1680 0000 7677 7919**  
**RETURN RECEIPT REQUESTED**

REPLY TO THE ATTENTION OF:

Ms. Tara Barrett  
Environmental Coordinator  
Georgia-Pacific Chemicals  
1975 Watkins Road  
Columbus, Ohio 43207

Re: Notice of Violation  
Compliance Evaluation Inspection  
OHD054026679

Dear Ms. Barrett:

On October 30, 2014, representatives of the U.S. Environmental Protection Agency and Ohio Environmental Protection Agency inspected the Georgia-Pacific Chemicals (GPC) facility located in Columbus, Ohio. As a large quantity generator of hazardous waste, GPC is subject to the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq. (RCRA). The purpose of the inspection was to evaluate GPC's compliance with certain provisions of RCRA and its implementing regulations related to the generation, treatment and storage of hazardous waste. A copy of the inspection report is enclosed for your reference.

Based on information provided by GPC, EPA's review of records pertaining to GPC, and the inspector's observations, EPA has determined that GPC has unlawfully stored hazardous waste without a permit or interim status as a result of GPC's failure to comply with certain conditions for a permit exemption under Ohio Admin. Code § 3745-52-34(A)-(C) [40 C.F.R. § 262.34(a)-(c)]. EPA has identified the permit exemption conditions with which GPC was out of compliance at the time of the inspection in paragraphs 1 – 2, below.

Many of the conditions for a RCRA permit exemption are also independent requirements that apply to permitted and interim status hazardous waste management facilities that treat, store, or dispose of hazardous waste (TSDF requirements). When a hazardous waste generator loses its permit exemption due to a failure to comply with an exemption condition incorporated from Ohio Admin. Code chs. 3745-65 to 68 and 3745-256, the generator: (a) becomes an operator of a hazardous waste storage facility; and (b) simultaneously violates the corresponding TSDF requirement. The exemption conditions identified in paragraphs 1 – 2 are also independent TSDF requirements incorporated from Ohio Admin. Code chs. 3745-65 to 68 and 3745-256.

Accordingly, each failure of GPC to comply with these conditions is also a violation of the corresponding requirement in Ohio Admin. Code chs. 3745-65 to 68 and 3745-256 [40 C.F.R.



Part 265] (if the facility should have fully complied with the requirements for interim status), or Ohio Admin. Code chs. 3745-54 to 57 and 3745-205 [40 C.F.R. Part 264] (if the facility should have been permitted).

Additionally, EPA has determined that GPC violated RCRA requirements related to hazardous waste determinations, used oil, and universal waste management as described in paragraphs 3 – 5, below.

#### STORAGE OF HAZARDOUS WASTE WITHOUT A PERMIT OR INTERIM STATUS AND VIOLATIONS OF TSDF REQUIREMENTS

At the time of the inspection, GPC was out of compliance with large quantity generator permit exemption conditions which were also independent TSD requirements violated by GPC as identified below in paragraphs 1 – 2.

##### 1. Maintenance and Operation of Facility

Under Ohio Admin. Code §§ 3745-52-34(A)(4) and 3745-65-31 [40 C.F.R. §§ 262.34(a)(4) and 265.31], facilities must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

At the time of the inspection, GPC was storing an inventory of commercial chemical products in an outdoor, diked, flammable material container storage area. Several 55-gallon drums of raw materials were stored in this area. The condition of the containers indicated that the materials may no longer have met specification. Some of the containers were rusted, dented, or bulging. In particular, one rusted and severely dented blue steel drum of catalyst labeled as “Ethylene Diamine” and “Flammable/Corrosive” had material in it, but was not full; though it did not appear to have been opened for use. In addition, three blue steel drums labeled as containing “Ethylene Diamine” were wrapped in caution tape. One drum labeled as “Ethyl Methyl Ketone” was bulging. Near a different drum of this same material was a distinct solvent odor. One of two drums of “Ethanol Solution” “Prop Sol 3” was also bulging.

##### 2. Required Aisle Space

Under Ohio Admin. Code §§ 3745-52-34(A)(4) and 3745-65-35 [40 C.F.R. §§ 262.34(a)(4) and 265.35], a large quantity generator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

At the time of the inspection, GPC did not maintain adequate aisle space in their 90-day hazardous waste storage area. It was not possible to view all container labels or the area surrounding the containers.

**Summary:** By failing to comply with the conditions for a permit exemption, above, GPC became an operator of a hazardous waste storage facility, and was required to obtain an Ohio hazardous waste storage permit. GPC failed to apply for such a permit. GPC's failure to apply for and obtain a hazardous waste storage permit violated the requirements of Ohio Admin. Code §§ 3745-50-45(A) and 3745-50-41(A) and (D) [40 C.F.R. §§ 270.1(c), and 270.10(a) and (d)]. Any failure to comply with a permit exemption condition incorporated from Ohio Admin. Code chs. 3745-65 to 68 and 3745-256 is also an independent violation of the corresponding TSD requirement.

### WASTE DETERMINATION, USED OIL, AND UNIVERSAL WASTE VIOLATIONS

GPC violated the following generator requirements:

#### 3. Hazardous Waste Determination

Under Ohio Admin. Code § 3745-52-11 [40 C.F.R. § 262.11], a generator must determine whether its waste is hazardous.

At the time of the inspection, GPC had not made a determination as to whether or not the following materials were hazardous:

- One 5-gallon container of clear liquid beneath a valve on the methanol storage tank;
- One 5-gallon carboy of an oily waste located near the 90-day hazardous waste storage area.
- Three 5-gallon buckets of unknown material (debris-like) near the 90-day hazardous waste storage area.
- One 55-gallon drum of oily absorbents that was labeled as universal waste in the maintenance area.
- Several containers of raw materials located in the outdoor flammable storage area, which may no longer have met specifications due to the condition of their containers and exposure to weather.

#### 4. Used Oil Requirement

Under Ohio Admin. Code § 3745-279-22(C)(1) [40 C.F.R. § 279.22(c)(1)], containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."

According to Ms. Barrett, GPC manages used heat transfer fluid as used oil. At the time of the inspection, at least seven 330-gallon totes of this material were stored in the non-hazardous and raw material storage shed at the western edge of the site. These containers were not labeled with the words, "Used Oil."



5. Universal Waste Requirements

Under Ohio Admin. Code §§ 3745-273-13(D)(1) and 3745-273-14(E) [40 C.F.R. §§ 273.13(d)(1) and 273.14(e)], a small quantity handler of universal waste must containerize lamps in packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. These containers shall remain closed. Also, the handler must label or clearly mark each lamp or a container or package in which such lamps are contained with any one of the following phrases: "Universal Waste-Lamps," "Waste Lamps" or "Used Lamps."

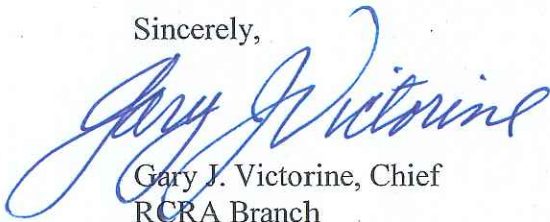
At the time of the inspection, GPC held one small box of lamps that was neither closed, nor labeled with the phrase "Universal Waste-Lamps," "Waste Lamps" or "Used Lamps."

At this time, EPA is not requiring GPC to apply for an Ohio hazardous waste storage permit so long as it immediately establishes compliance with the conditions for a permit exemption outlined in paragraphs 1 and 2, above.

According to Section 3008(a) of RCRA, EPA may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both. Although this letter is not such an order or a request for information under Section 3007 of RCRA, 42 U.S.C. § 6927, we request that you submit a response in writing to us no later than 30 days after receipt of this letter documenting the actions, if any, which you have taken since the inspection to establish compliance with the above conditions and waste determination, used oil, and universal waste requirements. You should submit your response to Brenda Whitney, U.S. EPA, Region 5, 77 West Jackson Boulevard, LR-8J, Chicago, Illinois 60604.

If you have any questions regarding this letter, please contact Ms. Whitney, of my staff, at 312-353-4796 or at [whitney.brenda@epa.gov](mailto:whitney.brenda@epa.gov).

Sincerely,



Gary J. Victorine, Chief  
RCRA Branch

Enclosure

cc: David Hohmann, Ohio EPA ([David.Hohmann@epa.ohio.gov](mailto:David.Hohmann@epa.ohio.gov))  
Bruce McCoy ([Bruce.McCoy@epa.ohio.gov](mailto:Bruce.McCoy@epa.ohio.gov))

